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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JONATHON CHADWICK HARBIN,

Case No. 08-CV-797-KI

Plaintiff,

**DEFENDANTS' MOTION TO COMPEL
TESTIMONY**

v.

CABLE COMMUNICATIONS, INC., an active Nevada Corporation; CAB COMM, INC., an active Georgia Corporation; JOHN GREEN, a Georgia resident; and WILLIAM K. TOUCHTON, a Georgia resident,

ORAL ARGUMENT REQUESTED

Defendant.

CERTIFICATION OF CONFERRAL

Pursuant to LR 7.1(a), counsel for Defendants made a good faith effort through a telephone conference with Plaintiff's counsel to resolve these disputes and was unable to do so.

/ / /

MOTION

Pursuant to FRCP 37, Defendants move for an order compelling Plaintiff to answer the following questions and/or questions on the following subjects:

Plaintiff's communications with his wife to the extent they relate to her leaving Plaintiff and his children in November 2005, their reconciliation in November 2006, her attempted suicide in December 2006, her physical or mental conditions, including, but not limited to her bipolar disorder, and any other communications about matters reasonably likely to be causing or to have caused emotional distress prior to, during December 2006 and for any period of time following December 2006 for which Plaintiff claims he suffered emotional distress because of Defendants.

These motions are supported by the Memorandum of Law and Declaration of Sean M. Driscoll filed under seal herewith.

DATED: August 3, 2009

FISHER & PHILLIPS LLP

/s/ Sean Driscoll

Trial Atty: Mitchell C. Baker, OSB #98135
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